

1 Article 2. Bylaws.

2 ~~Article I~~Rule 14-201. Definitions.

3 ~~In these By-laws, unless the context or subject matter otherwise requires~~As used in
4 this article:

5 (a) "Bar" means Utah State Bar, a corporation incorporated, registered and
6 domiciled in ~~the State of~~ Utah and designated as a Section 501 (c) (6) organization
7 under the United States Internal Revenue Code;

8 (b) "Board" means the Board of Commissioners of the Utah State Bar; ~~and~~

9 (c) "commissioner" means a member of the Board;

10 (d) "Executive Committee" means a committee of not fewer than three members of
11 the Board as set forth in these Bylaws;

12 (e) "executive director" means the executive director of the Bar;

13 ~~(f)~~ "Mmember" means a lawyer who has been admitted to the Bar who holds a
14 current active or inactive license, or is a licensed foreign legal consultant;

15 (g) "president" means the president of the Board;

16 (h) "president-elect" means the president-elect of the Board; and

17 (i) "Supreme Court" means the Utah Supreme Court.

18 ~~Article II~~Rule 14-202. Purposes of the Bar.

19 The purposes of the Bar are to:

20 (a) to advance the administration of justice according to law;

21 (b) to aid the courts in carrying on the administration of justice;

22 (c) to regulate the admission of persons seeking to practice law;

23 (d) to provide for the regulation and discipline of persons practicing law;

24 (e) to foster and maintain integrity, learning, competence, ~~and~~ public service, and
25 high standards of conduct among those practicing law;

26 ~~to uphold and elevate the standards of honor, ethics, integrity, professionalism, and~~
27 ~~courtesy in the legal profession; to provide a forum for the discussion of subjects~~
28 ~~pertaining to the practice of law, the science of jurisprudence, and law reform; to carry~~
29 ~~on a continuing program of legal research in technical fields of substantive law, practice~~

~~and procedure, and to make reports and recommendations thereon; to encourage practices that will advance and improve the honor and dignity of the legal profession;~~

~~(f) to~~ represent the Bar before the legislative, administrative and judicial bodies;

~~(g) to~~ prevent the unauthorized practice of law;

~~(h) to~~ promote professionalism, competence and excellence in those practicing law through continuing legal education and by other means;

~~(i) to~~ provide service to the public, to the judicial system and to members of the Bar;

~~(j) to~~ educate the public about the rule of law and their responsibilities under the law;

~~(k) to~~ assist members of the Bar in improving the quality and efficiency of their practice;

~~(l) and to the end that the responsibility of the legal profession and the individual members thereof may be more effectively and efficiently discharged in the public interest,~~ to engage freely in all lawful activities and efforts, including the solicitation of grants and contributions that may reasonably be intended or expected to promote and advance these goals purposes; and

~~(m) in general to~~ carry on any other business connected with or incidental to the foregoing objects objectives and purposes, and to have and exercise all the powers conferred under law of ~~the State of~~ Utah upon corporations formed under the ~~Utah Non-Profit Corporation and Co-operative Association Act~~ Utah Revised Nonprofit Corporation Act.

~~Article III~~ Rule 14-203. License Ccategories.

(a) Lawyers licensed by the Bar shall be divided into the following licensure categories:

Section 1-(a)(1) ~~Active Members~~. Active members are those persons lawyers eligible to practicing law as defined by Rule 14-802; ~~or occupying positions as attorneys at law in the employ of or rendering any legal service for an active member, or occupying a position where he or she is called upon to give legal advice or counsel, or examine the law or pass upon the legal effect of an act, document or law or representing clients.~~ An active member must maintain an active license.

59 (a)(2) Active, under three. Active under three lawyers are those person who took the
60 student Bar Examination as defined in Rule 14-710 and were admitted not more than
61 three licensing cycles ago.

62 (a)(3) Active emeritus. Active emeritus lawyers are those lawyers who have been a
63 member of the Bar for 50 years or are 75 years of age as of July 1 of the current year
64 and who are engaged in the practice of law.

65 ~~Section 2.(a)(4)~~ Inactive Members. Inactive members are those ~~persons~~lawyers
66 who have retired from or for other reasons are not engaged in the practice of law as
67 defined by the Rule 14-802. An inactive member must maintain an inactive license.
68 They shall have the right to attend meetings of the Bar but shall not have a vote. They
69 may serve on Bar committees and be members of sections of the Bar.

70 (a)(5) Inactive emeritus. Inactive emeritus lawyers are those lawyers who have
71 been a member of the Bar for 50 years or are 75 years of age as of July 1 of the current
72 year and who are not engaged in the practice of law.

73 (a)(6) Other limited practice licenses. As authorized by the Supreme Court, the Bar
74 may develop other limited license categories.

75 ~~Section 3.(b)~~ Transfer from ~~l~~inactive to ~~A~~active ~~S~~status. An inactive member may
76 become an active member upon request and by paying the licensing fees which would
77 have been payable July 1 had the member then been active. A lawyer who transfers
78 must also pay ~~plus~~ the ~~Client Security Fund~~Lawyer's Fund for Client Protection
79 assessment for the licensure cycle when assessed.

80 ~~Section 4.(c)~~ Register of ~~M~~members to be ~~K~~kept. The ~~E~~executive ~~D~~director shall
81 maintain a register of ~~members~~lawyers which shall contain a designation as to their
82 ~~active or inactive~~licensing status and such other information as the Board may
83 determine to be necessary or desirable or as required by rule.

84 ~~Section 5.(d)~~ Information ~~R~~required of ~~M~~members. Each member of the Bar shall
85 furnish the ~~E~~executive ~~D~~director information indicating his or her date and the place of
86 birth, dates of admission ~~in other jurisdictionsto practice before courts other than courts~~
87 ~~of this state~~, and concerning such other matters as the Board may from time to time
88 prescribe. This information shall be furnished by each member as a part of, or as a

supplement to, the statement annual licensing form required by the rules or upon inquiry at any time by the Executive Director.

Section 6.(e) Membership Licensure Card. Each member shall be furnished with an appropriate-current licensure card.

Section 7.(f) Professional Misconduct. ~~In the event If~~ an inactive member, or active member while suspended, shall practice law, he or she ~~shall be deemed guilty of professional misconduct and~~ shall be subject to the discipline disciplinary process therefore as in cases of other professional misconduct under the Utah Rules of Professional Conduct and ~~the Rules of Article 5,~~ Lawyer Discipline and Disability ~~of the Utah State Bar.~~

Article IV Rule 14-204. Meetings of the Bar.

Section 1.(a) Dates and Notices.

(a)(1) The time and place of the Bar's annual and mid-yearspring meetings conventions of the Bar shall be fixed and notice given by the Board to all licensed lawyers not less than ~~sixty~~ 60 days prior to the dates of such meetings.

(~~ba~~)(2) The time and place of special meetings of the Bar shall be fixed by the Board and notice shall be given by the Board at least ~~fifteen~~ 15 days prior to the date of any meeting. The purpose for any special meeting shall be stated in the notice.

Section 2.(b) Programs. The Board shall appoint such committees and shall take such action as may be appropriate to provide a program at the annual and mid-yearspring meetings conventions that will permit consideration of the affairs of the Bar and matters relating to the Bar of interest to the members. The meetings may include such meetings of the Board, sections, committees and any local bar or other associations as may be determined by the Board.

Section 3.(c) Report of the President. The President shall make an oral or written report of his or her administration to the members of the Bar ~~which may be oral or in writing.~~

Section 4.(d) Fees and Charges. A registration fee for attendance at the annual and mid-year spring meetings conventions may be charged to all attendees. However, the business sessions of such meetings shall be open forum sessions and open to all

lawyers licensed and in good standing whether registered or not. The Board may also make charges for attendance at luncheons, dinners and special events in order to defray all or part of the costs ~~thereof~~ of the meetings.

~~Section 5.(e)~~ Reports and ~~R~~recommendations. Reports of sections and committees, including recommendations requiring affirmative action by the members, shall be submitted to the Board at least one month prior to the date of the annual or ~~mid-yearspring meeting conventions~~ as the case may be. Reports or recommendations requesting affirmative action shall be considered by the Board and recommendations of the Board for action ~~thereon~~ shall be made at the business or open forum sessions of such meetings, and shall be open to debate at that time within reasonable limitations prescribed by the presiding officer, and a vote shall be taken ~~thereon~~. The vote of the members shall be advisory to the Board.

~~Section 6.(f)~~ Resolution and ~~O~~open ~~F~~forum ~~S~~session. Fifteen days prior to the first general session of the annual and ~~mid-yearspring meetings~~ conventions, any lawyer licensed and in good standing may present in writing any resolution pertinent to the legal profession and within the objectives and purposes of the Bar. Resolutions so presented shall be considered by the Board, which ~~body~~ shall report its recommendations with respect to action to be taken ~~thereon~~ at the business or open forum sessions, at which time such resolutions shall be open to debate within such limitations as shall be prescribed by the presiding officer, and a vote shall be taken ~~thereon~~. The vote of the members shall be advisory to the Board. If the Board thereafter declines to comply with or implement any duly adopted resolution, the reasons for such refusal shall be set forth in the minutes of the Board.

~~Section 7.(g)~~ Suspension of ~~R~~rule ~~t~~ime ~~p~~rovisions. The time provisions of ~~Sections 5 and 6 paragraphs (e) and (f) of this Article~~ may be suspended by the Board for good cause which shall be set forth in its minutes, or by an affirmative vote of three-fourths of the members present at any business meeting.

~~Section 8.(h)~~ Record of ~~P~~proceedings. A record of the proceedings of the annual and ~~mid-yearspring meetings~~ conventions shall be kept by the ~~E~~executive ~~D~~director and shall be available to the members. ~~Such p~~parts of the meetings as may be deemed by

the Board to be of general interest to the members shall be published in the Utah Bar Journal. At the first regular meeting of the Board held after the annual and ~~mid-years~~spring meetings/conventions, a review of the proceedings shall be made by the Board for the purpose of considering any duly adopted resolutions or recommendations approved at ~~said those~~ meetings.

~~Article V~~Rule 14-205. Board ~~of Commissioners~~.

~~Section 1.(a)~~ Number and ~~T~~terms. There shall be a Board ~~of Commissioners of the Bar~~ consisting of ~~thirteen~~no fewer than 13 but no more than 15 voting members, ~~eleven including 11~~ elected lawyers and two non-lawyers appointed by the Supreme Court. Except as otherwise provided, the term of office of each commissioner shall be three years and until a successor is elected and qualified.

~~Section 2.(b)~~ Vacancies. A lawyer vacancy on the Board occurs by reason of death, resignation, incapacity, retirement, removal, change of residence from ~~the State of~~ Utah, or upon the incumbent ceasing to be an active member of the Bar in good standing. A vacancy created by a lawyer commissioner shall be filled by the remaining Board members by either:

~~(a)-(b)(1)~~ conducting a special election;

(b)(2) appointing a successor from among the active members of the Bar whose business mailing addresses on the records of the Bar are in the division from which the commissioner was elected, who shall serve until the following annual election; or

~~(c)-(b)(3)~~ filling the vacancy through the next regular annual election.

The Board may establish the term of the successor to be either a one, two or full three-year term, provided that there would be not more than three but not fewer than two commissioners from the Third Division whose terms expire in any one year and not more than five but not fewer than four commissioners on the Board whose terms expire in any one year.

~~Section 3.(c)~~ Removal. A lawyer commissioner may be removed from the Board by:

(~~ac~~)(1) The vote of eight of the twelve commissioners (other than the commissioner proposed for removal) at a meeting of which advance notice of the removal vote is given as provided in ~~Article V, Section 7(c)~~paragraph 14-204(a)(2), provided that

commissioners who are eligible to vote but who are not in attendance at the meeting may submit their vote in writing to the ~~E~~xecutive ~~D~~irector; or

(bc)(2) The vote of a majority of the active members of the Bar in the division which elected the commissioner voting in a special election held for the purpose of consideration of removal. Ballots shall be mailed, first class, 20 days after the filing of a petition calling for removal signed by 10% of the active members of the Bar in the division which elected the commissioner. Ballots shall be due 17 days after mailing and the results tabulated and announced not more than 45 days after the filing of the petition.

~~Section 4.(d)~~ General ~~P~~owers. The Board may exercise all powers necessary and proper to carry out the duties and responsibilities of the Bar and the purposes of ~~the Utah Supreme Court's Rules for~~Article 1, Integration and Management, ~~of the Utah State Bar~~ and shall exercise all authority which is not specifically reserved to the ~~Supreme~~ Court.

~~Section 5.(e)~~ Election ~~N~~otice. Notice of election of commissioners and of the divisions from which they shall be elected during the current year shall be mailed to the active members of the Bar in that division no later than ~~ninety~~ 90 days prior to the date on which ballots will be counted.

~~Section 6.(f)~~ Nomination. Commissioners shall be nominated by written petition complying with ~~the Rules for Article 1, Integration and Management of the Utah State Bar~~, and filed with the ~~E~~xecutive ~~D~~irector at least ~~sixty~~ 60 days prior to the date on which ballots will be counted. Such petitions must be signed by ten active members of the Bar whose business mailing addresses on the records of the Bar are in the division from which the election is to be held. Only active members of the Bar eligible to vote in that division may be nominated to serve as commissioner.

~~Section 7.(g)~~ Form of ~~P~~etition. The ~~E~~xecutive ~~D~~irector shall prepare a form of petition for the nomination of commissioners and shall furnish copies ~~thereof~~ to any active member upon request. Nominations may be made on such forms, but nominations in any other form of petition which complies with ~~the Rules for Article 1, Integration and Management and~~ By-Laws these Bylaws shall be deemed sufficient.

209 ~~Section 8-(h)~~ Election ~~P~~procedures.

210 (~~ah~~)(1) Ballots shall be mailed to all active members in each division in which an
211 election is to be held, containing the alphabetized names of those members who have
212 been nominated from the respective divisions. Said ballots shall be mailed to active
213 members at their business mailing address in the respective divisions at least ~~thirty~~ 30
214 days prior to the date on which ballots will be counted.

215 (~~bh~~)(2) The ballot, together with a ballot envelope and a cover envelope in which the
216 voting member shall identify himself or herself, shall be included in ~~said the~~ mailing.

217 (~~eh~~)(3) Balloting may be returned by mail or in person. Ballots shall state the date
218 upon which they are due and shall be delivered to the Bar offices, or mailed by voters
219 so as to reach the Bar offices, no later than 5:00 p.m. on the day prior to the date ballots
220 will be counted. Balloting shall close at 5:00 p.m.

221 (h)(4) The executive director shall designate the time, date and place for the
222 counting of ballots, and shall arrange for the counting.

223 (~~eh~~)(5) Each candidate for a ~~commission~~ Board position may submit in writing the
224 names of two persons to act as ballot counters, and arrange to have ~~said~~ counters at
225 the Bar offices or such other place as the ~~E~~executive ~~D~~director shall determine on the
226 date and time for counting ballots.

227 ~~(e) The Executive Director shall designate the time, date and place for the counting~~
228 ~~of ballots, and shall arrange for the counting thereof.~~

229 (~~fh~~)(6) Successful candidates shall be notified of that fact by the ~~P~~president ~~of the~~
230 ~~Bar~~ who shall then call a meeting of the Board prior to the end of the annual meeting for
231 the purpose of re-organizing the Board. Public announcement of election results shall
232 be made at the discretion of the ~~P~~president.

233 (~~gh~~)(7) The terms of new commissioners shall begin when they are seated at the
234 reorganization meeting of the Board.

235 (~~h~~)(8) ~~In the event if~~ an insufficient number of nominating petitions are filed to require
236 balloting in a division, the person or persons nominated shall be declared elected.

(h)(9) ~~In the event If~~ any day or date set forth ~~herein above~~ shall fall on a Saturday, Sunday or holiday, the act required or time fixed shall occur on or run from the next working day.

~~Section 9-(i)~~ Disputed ~~E~~election.

(a)(1) ~~In the event If~~ there is a dispute as to the validity of the election of a commissioner, it shall be resolved by the Board at its first meeting after the election, or at an adjourned meeting ~~thereof~~. Any Board member involved in the dispute shall not be entitled to vote. The ~~E~~executive ~~D~~director shall give written notice to each candidate of the hearing on the contested election and each candidate shall have the right to be personally present, to be represented by counsel and to present proof at such hearing. The Board shall have the right to examine the ballots and to inquire into their validity and into all matters germane to the election and dispute.

(b)(2) The Board may designate a committee from among its members to hear disputed election matters, but decisions of the committee shall not be effective until approved by the Board. In every contested election hearing, the Board shall have the right to prescribe rules and regulations for the conduct ~~thereof~~.

(e)(3) The decision of the Board shall be final.

~~Section 10-(j)~~ Meetings.

(a)(1) The Board shall hold regular meetings at the Bar offices, or at such other place as the Board may determine.

(b)(2) Special meetings of the Board may be held at any time upon the call of the ~~P~~resident, and shall be called by him or her at the written request of three or more members of the Board.

(e)(3) Reasonable notice of the time and place of all regular special meetings shall be given to each member of the Board by the ~~E~~executive ~~D~~director, by mail, telephone, fax, e-mail or telegraph.

(d)(4) At any regular or special meeting of the Board, any business may be transacted which is within the power of the Board, whether or not such business has been placed upon the agenda in advance; provided, however, that advance notice

pursuant to subparagraph ~~(ej)~~(3) above must be given for removal of officers and lawyer commissioners.

~~(ej)~~(5) ~~In the event that if~~ less than a quorum of the Board is present at a meeting, those present may adjourn the meeting to a later time, and if a quorum is present at the time to which the meeting was adjourned, the Board may proceed with the conduct of business without further call or notice.

~~(fj)~~(6) ~~In the event that if~~ the ~~Pp~~president desires the vote of the Board without calling a meeting, such a vote may be taken by telephone, e-mail or by fax, provided that all members of the Board who are available at their respective business offices shall be given an opportunity to vote.

~~Section 11.~~(k) Quorum. Eight members of the Board shall constitute a quorum for conducting the business of the Board and a majority vote of those present and voting at any meeting shall be sufficient to take effective action to bind the Board; provided, however, that the nomination of candidates to run for the office of ~~Pp~~president-elect and the selection of a lawyer commissioner to fill a vacancy shall be by majority vote of the entire Board. All members of the Board who are present shall vote on all matters when a vote is taken unless they excuse themselves from voting or are excused from voting by a majority of the Board members present by reason of conflict of interest.

~~Section 12.~~(l) Executive Committee. An Executive Committee of not fewer than three members, two of whom shall be the ~~Pp~~president and the ~~Pp~~president-elect, with the remaining members of the Executive Cecommittee being voting members of the Board, shall be appointed by the ~~Pp~~president with the approval of the Board. The ~~Ee~~executive ~~Dd~~irector shall be an ex-officio member of the Executive Committee. The duties of the Executive Committee shall include:

~~(a)~~ ~~(l)~~(1) the handling of emergency matters when the entire Board cannot be convened or the requirements of Section 7paragraph (g) above cannot be met;

~~(b)~~ ~~(l)~~(2) the review of the affairs of the Bar and the making of recommendations to the Board;

~~(c)~~ ~~(l)~~(3) the handling of ministerial and routine business of the Bar which transpires between Board meetings; and

~~(d) and (l)(4)~~ any other matters delegated to it by the Board.

All recommendations and ministerial matters shall be reported to the Board as a part of the agenda for the next Board meeting following such action.

~~Section 13.(m)~~ Liaison ~~Aa~~ssignments. In addition to performing such duties as are required by law or which may be assigned to individual members of the Board, commissioners and officers may be assigned as contacts or liaison representatives to the various committees, sections and units of the Bar, and in such capacity shall have the authority to call meetings of the committees, sections or units of the Bar and may report ~~with respect thereto~~hereafter at the meetings of the Board. ~~Where possible t~~The members of the Board and officers should affiliate and participate with, and be informed upon the work of the American Bar Association and other organizations on subjects relating to those under consideration by the Board, committees, sections and units of the Bar to which the Board members are assigned.

~~Section 14.(n)~~ Sub-committees. The Board may appoint such sub-committees ~~of the Board~~ as it deems desirable in order to carry out its functions.

~~Section 15.(o)~~ Executive ~~Dd~~irector.

~~(ao)(1)~~ The ~~Ee~~xecutive ~~Dd~~irector shall be selected by the Board at the meeting held immediately following the adjournment of the annual ~~meeting~~convention.

~~(bo)(2)~~ The salary and duties of the ~~Ee~~xecutive ~~Dd~~irector shall be fixed ~~and outlined from time to time~~ by the Board. The term of office of the ~~Ee~~xecutive ~~Dd~~irector shall be for one year.

~~(eo)(3)~~ The ~~Ee~~xecutive ~~Dd~~irector shall have and perform duties as secretary to the Board as provided by law and such other duties as shall be prescribed by the Board or delegated by the ~~Pp~~resident, not inconsistent with law and these ~~By-Laws~~Bylaws.

~~Section 16.(p)~~ Ex-~~Oo~~fficio ~~Mm~~embers. Ex-officio members of the Board may be designated by the Board from year to year, but any designation shall not be effective for more than one year, and such members shall not be entitled to vote.

~~Article VI~~Rule 14-206. Officers.

324 ~~Section 1.(a)~~ President. The ~~Pp~~president-elect ~~of the Bar~~ shall automatically succeed
325 to the office of ~~Pp~~president pursuant to ~~the Rules for Article 1,~~ Integration and
326 Management ~~of the Utah State Bar.~~

327 ~~Section 2.(b)~~ President-elect; qualifications; voting procedures.

328 (ab)(1) A lawyer commissioner who wishes to be considered as a candidate or a
329 commissioner who wishes to recommend the name of another lawyer in good standing
330 on active status to be considered as a candidate shall notify the Board in writing no later
331 than January 1. The Board also may consider additional candidates at its discretion.

332 (b)(2) The Board shall nominate two candidates to run for the office of ~~Pp~~president-
333 elect from among the names submitted to the Board as set forth above. The Board, by
334 vote, shall nominate those running for the office of ~~Pp~~president-elect at a regularly
335 scheduled meeting. Balloting for nomination to run for the office of ~~Pp~~president-elect shall
336 be by secret ballot except that commissioners not in attendance at the meeting may
337 submit their vote in writing to the ~~Pp~~president or ~~Ee~~executive ~~Dd~~director.

338 (eb)(3) A lawyer elected ~~Pp~~president-elect shall succeed to the office of ~~Pp~~president
339 and shall then serve as ~~Pp~~president with authority to represent the Bar and preside at all
340 meetings of the Board and the Bar even though the ~~Pp~~president-elect may not be serving
341 in a term as an elected commissioner. A ~~Pp~~president and ~~Pp~~president-elect who are not
342 elected commissioners have the authority to vote on matters brought before the Board.
343 In the event of a tie vote, the matter at hand shall fail to pass.

344 (db)(4) Ballots shall be mailed to all active members of the Bar containing the
345 alphabetized names of the candidates. The ballots shall be mailed to active members at
346 their business mailing address at least ~~thirty~~ 30 days prior to the date on which ballots
347 will be counted.

348 (4b)(4)(A) The ballot, together with a ballot envelope and a cover envelope in which
349 the voting member shall identify himself or herself, shall be included in said mailing.

350 (2b)(4)(B) Balloting may be returned by mail or in person. Ballots shall state the date
351 upon which they are due and shall be delivered to the Bar offices, or mailed by voters
352 so as to reach the Bar offices, no later than 5:00 p.m. on the day prior to the date ballots
353 will be counted. Balloting shall close at 5:00 p.m.

(3b)(4)(C) The candidates may submit in writing the names of two persons to act as ballot counters, and arrange to have ~~said~~ counters at the Bar offices or such other place as the ~~E~~executive ~~D~~irector shall determine on the date and time for counting ballots.

(4b)(4)(D) The ~~E~~executive ~~D~~irector shall designate the time, date and place for the counting of ballots, and shall arrange for the counting.

(5b)(4)(E) The successful candidate shall be notified by the ~~P~~resident ~~of the Bar~~ who shall then call a meeting of the Board prior to the end of the annual meeting for the purpose of re-organizing the Board. Public announcement of election result shall be made at the discretion of the ~~P~~resident.

(6b)(4)(F) The term of the new ~~P~~resident-elect shall begin when he or she is seated at the reorganization meeting of the Board.

(7b)(4)(G) ~~In the event If~~ any day or date set forth ~~herein above~~ shall fall on a Saturday, Sunday or holiday, the act required or time fixed shall occur on or run from the next working day.

(eb)(5) ~~In the event If~~ there is a dispute as to the validity of the election it shall be resolved by the Board at its first meeting after the election. Any Board member involved in the dispute shall not be entitled to vote. The ~~E~~executive ~~D~~irector shall give written notice to each candidate of the hearing on the contested election and each candidate shall have the right to be personally present, to be represented by counsel and to present proof at such hearing. The Board shall have the right to examine the ballots and to inquire into their validity and into all matters germane to the election and dispute.

(4b)(5)(A) The Board may designate a committee from among its members to hear disputed election matters, but decisions of the committee shall not be effective until approved by the Board. In every contested election hearing, the Board shall have the right to prescribe rules and regulations for the conduct ~~thereof~~.

(2b)(5)(B) The decision of the Board shall be final.

~~Section 3.(c)~~ Seating ~~N~~new ~~C~~ommissioners and ~~O~~fficers. The reorganization meeting of the Board shall be called to order by the outgoing ~~P~~resident. He or she shall first conduct any unfinished business to come before the existing Board. Thereafter, the newly-elected commissioners who have been found qualified and

declared elected shall be seated as members of the Board. The outgoing Ppresident shall recognize and seat the new Ppresident and Ppresident-elect.

~~Section 4.(d)~~ Terms of Ooffice. The terms of office of the Ppresident and Ppresident-elect shall run concurrently and shall begin at the commencement of the annual meeting convention and run until their successors have been seated. Notwithstanding the running of the Ppresident's term of office, all official functions of the annual meeting convention shall be presided over by the outgoing Ppresident.

~~Section 5.(e)~~ Duties and Ttemporary Aabsences. The Ppresident shall preside at all meetings of the Bar and of the Board, and in the event of any temporary absence, the Ppresident-elect shall perform the duties of the Ppresident. The Ppresident shall represent the Bar at all appropriate functions and shall perform such other duties and otherwise represent the Bar and the Board as directed by the Board.

~~Section 6.(f)~~ Vacancies. A vacancy occurs in the office of Ppresident or Ppresident-elect by reason of death, resignation, incapacity, retirement, removal, change of residence from ~~the State of~~ Utah, or upon the incumbent ceasing to be an active member of the Bar in good standing. A vacancy shall be filled by the Board from among its members upon a majority vote by secret ballot of the remaining Board members. Commissioners not in attendance at the meeting may submit their vote in writing to the Eexecutive Ddirector. ~~In the event If~~ a vacancy occurs in the office of Ppresident-elect a Ppresident-elect shall be nominated and stand for election under the Rules for Article 1, Integration and Management of the Utah State Bar and Section 2paragraph (b) above.

~~Section 7.(g)~~ Removal. The Ppresident or Ppresident-elect may be removed from office by:

(ag)(1) Tthe vote of nine of the thirteen current voting commissioners at a meeting of which advance notice of the removal vote is given as provided in Article V, Section 7(e)14-204(a)(2), provided that commissioners not in attendance at the meeting may submit their vote in writing to the Eexecutive Ddirector; or

(bg)(2) Tthe vote of a majority of the active members of the Bar voting in a special election held for the purpose of consideration of removal. Ballots shall be mailed, first class, 20 days after the filing of a petition calling for removal signed by 10% of the active

members of the Bar. Ballots shall be due 17 days after mailing and the results tabulated and announced not more than 45 days after the filing of the petition.

~~Article VII~~14-207. Finances.

~~Section 1.(a)~~ Annual ~~licensing~~ Fees. The annual ~~licensure~~licensing fees to be paid each year by all members of the Bar shall be fixed by the Board with prior Supreme Court approval.

~~Section 2.(b)~~ Budget. The Board shall prepare a budget which shall be published for comment prior to final adoption. The Board shall adopt the budget at its first regular meeting following the reorganization meeting. No obligations shall be incurred unless within the limits of the budget and within the scope of the authorized objectives of the Board.

~~Section 3.(c)~~ Section ~~D~~dues.

(~~ac~~)(1) Sections of the Bar may, with the approval of the Board, charge an annual membership fee in order to obtain the commitment of members to section activities and to provide revenue to carry out the purposes of the section. The amount of such membership fees shall be fixed by the section subject to the approval of the Board.

(~~bc~~)(2) Funds raised by sections from membership fees shall be held by the Bar as separately identifiable funds of the sections, and disbursed to the sections as needed, to carry out the functions of the sections. Such funds shall not revert to the general Bar fund at the end of the budget year, but shall continue to be held as a separately identifiable fund.

~~Section 4.(d)~~ Disbursements.

(~~ad~~)(1) Funds of the Bar shall be disbursed only in accordance with the provisions of law and by these ~~By-Laws~~Bylaws, and at the direction of the Board.

(~~bd~~)(2) Checking accounts shall be maintained with banks to be designated by the Board in such amounts as the Board shall determine ~~from time to time~~.

(~~cd~~)(3) No check shall be drawn on the funds of the Bar except as authorized by the Board.

(d)(4) Checks under the amount of \$1,000 can be signed by any one of the members of the Executive Committee or by the ~~E~~executive ~~D~~director. Checks over the

amount of \$1,000 shall bear the signatures of any two members of the Executive Committee or any one member of the Executive Committee and the ~~E~~xecutive ~~D~~irector, except that there shall be a revolving-fund account for day-to-day operating needs, which can be signed by any one of the members of the Executive Committee or by the ~~E~~xecutive ~~D~~irector. The size of the revolving-fund account shall be designated annually by the Board and can be revised at any time by Board action.

~~Section 5.(e)~~ Investment of ~~F~~unds. Funds of the Bar shall be invested at the direction of the Board.

~~Article VIII~~Rule 14-208. Special ~~R~~ules and ~~R~~egulations.

~~Section 1.(a)~~ Admission to the Bar. The Board shall promulgate rules for admission of applicants to the Bar pursuant to ~~the Rules for Article 1, Integration and Management of the Utah State Bar~~, and shall recommend to the ~~Utah~~ Supreme Court for approval rules governing qualifications and requirements for admission to the practice of law as a lawyer and as a foreign legal consultant and for the examination of applicants.

~~Section 2.(b)~~ Conduct and ~~D~~iscipline. The Board shall promulgate rules governing the conduct and discipline of members of the Bar and shall recommend to the ~~Utah~~ Supreme Court for approval rules governing the conduct of members of the Bar and rules governing the disciplinary and disability procedures in cases involving alleged misconduct or incapacity of members.

~~Section 3.(c)~~ Student ~~P~~practice ~~R~~ules. The Board may promulgate and recommend to the ~~Utah~~ Supreme Court for approval rules governing student practice or student court assistance programs.

~~Section 4.(d)~~ Sections, ~~S~~tanding ~~C~~committees, ~~S~~pecial ~~C~~committees. To facilitate the accomplishment of the purposes and objectives of the Bar, the Board shall create appropriate sections, standing committees and special committees of the Bar to which matters may be referred, for handling and/or recommendation to the Board. The Board may call for regular or periodic reports from such committees and sections at times and to such extent as shall appear appropriate to the Board.

~~Section 5.(e)~~ Committees. Committees of the Bar shall be:

(~~ae~~)(1) Standing committees, which shall continue in existence until abolished by the Board. Members shall be appointed to standing committees for staggered terms of three years.

(~~be~~)(2) Ad hoc committees, which, having been created for a specific purpose, shall be terminated upon completion of that purpose. Membership on ad hoc committees shall be for the time the committee is in existence.

(~~ce~~)(3) The Board shall select a chair and the members of each committee.

~~Article IX~~ Rule 14-209. Utah Bar Foundation.

All active members of the Bar are members of the Utah Bar Foundation, entitled to attend and vote at all general meetings of the Foundation.

~~Article X~~ Rule 14-210. General.

~~Section 1-(a)~~ Litigation. No member, committee, or section of the Bar shall represent the Bar unless authorized to do so by the Board, or in case of emergency, by the Executive Committee ~~of the Board~~ as provided in Article V, Section 9 Rule 14-205(l) hereof.

~~Section 2-(b)~~ Limitations on ~~P~~publicity. No recommendation or report of a section, committee, or members shall become the recommendation or report of the Bar until approved by the Board, and no such report or recommendation shall be released publicly prior to submission to and approval of the Board.

~~Section 3-(c)~~ Authority to ~~B~~bind Bar. No committee, section, or any officer or member ~~thereof~~ shall have the power to make the Bar liable for any debt or obligation except upon the authorization of the Board.

~~Section 4-(d)~~ Local ~~B~~ar ~~A~~ssociations. To further promote the purposes and objectives of the Bar, the Board shall encourage the creation of, and active participation of its members in, local bar associations ~~within the state~~, and work to achieve harmony with such local associations.

~~Section 5-(e)~~ Amendments of ~~By-Laws~~Bylaws. These ~~By-Laws~~ Bylaws may be amended at any regular or special meeting of the Board by a majority vote of the entire Board. However, proposed amendments shall be filed with the ~~E~~xecutive ~~D~~irector at least ten days in advance of the next regular meeting of the Board; provided however,

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they may be amended at any regular meeting of the Board without prior notice by the unanimous vote of the entire Board.

~~Section 6. Effective Date. These By-Laws shall take effect immediately upon their adoption by the Board. Amended January 27, 1995; December 1, 1995; April 25, 1997; January 28, 1998; March 30, 1998; April 28, 1999; February 20, 2001, October 22, 2002, November 18, 2002, and October 14, 2005.~~